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July 2, 1993

**BY TELECOPY: 913-551-7925**

David A. Hoefer  
Assistant Regional Counsel  
U.S.E.P.A., Region VII  
726 Minnesota Avenue  
Kansas City, KS 66101

RE: Niedt Realty/Niedt Enterprises  
EPA Docket No. VII-91-H-0025

Dear David:

I tried yesterday afternoon and this morning to call you to discuss the extension of time to the above-referenced AOC, but I was unable to reach you. In addition, I was not sure whether Don McQueen had spoken with Cynthia Hutchison regarding this issue. Therefore, I called Cynthia this morning to describe Niedt Realty's proposal to extend the deadline on the AOC. It is somewhat different than what you and I discussed.

Niedt Realty proposes that it will deliver to EPA no later than August 10, 1993 a report concerning the cone penetrometer testing and reverse slug testing recently performed at the site. EPA would review this report and provide any comments by August 31, 1993. Niedt Realty would submit the final investigation report required by the AOC by no later than September 30, 1993.

My understanding from talking with Cynthia this morning is that this approach is acceptable to her, assuming that the people she needs to review the report on the cone

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penetrometer testing and reverse slug testing are available during August. She is checking on this.

The form of this proposal builds in the flexibility to continue the phased approach to the site investigation. After EPA (and Niedt Realty, for that matter) review the report, it may be appropriate to perform additional investigation at the site. If that is so, then the September 30 deadline would have to be extended to accommodate this new work. However, if no new work is appropriate, then the proposal provides a firm deadline for submission of the final report.

Cynthia and I agreed that I would fax you this letter, with a copy to her. I will be in the office today, but out all next week, although I will be checking my messages.

I look forward to your response. In the meantime, please let me know if you have any questions.

Very truly yours,



Alphonse McMahon

AM/fmp

cc: ✓ Cynthia Hutchison - EPA (by fax 913-551-7947)  
Donald J. McQueen (by U.S. Mail)  
Douglas A. Niedt (by U.S. Mail)  
Greg Niedt (by U.S. Mail)